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# INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

## VIOLENCE AGAINST WOMEN

Written statement submitted by Human Rights Advocates, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 1999]

GE.99-11410 (E)

Violence against women and the right to adequate housing

1. A majority of the world's 1 billion people living in conditions of abject poverty are women. They make up the plurality of the world's 50,000 inhabitants who die daily from disease resulting from inadequate housing. They live without access to secure shelter, sanitary water and food, or sufficient services. Denied any right to rent or to own land or property, millions of women are dependent upon marriage to obtain adequate housing. 1/

2. These insecure and inadequate living conditions contribute to and can be the cause or result of violence against women. 2/ Though violence against women does not differentiate between rich and poor, when experienced by women with minimal economic independence or access to adequate housing, it has a strong and devastating effect. Women must face the choice between being homeless or being beaten.

3. While housing and violence against women have been addressed, 3/ the relationship between the two factors has not been thoroughly examined. Ms. Radhika Coomaraswamy, the Special Rapporteur on violence against women, has been requested by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the relationship between violence against women and their lack of adequate housing and security of tenure. 4/

4. Human Rights Advocates (HRA) supports this recommendation in encouraging further research. To the extent that current information is available, HRA maintains that a causal relationship exists between the lack of adequate housing and violence against women.

5. An illustrative example of this relationship is found in the United States, where half of all homeless women experience homelessness because of high rates of domestic violence. 5/

6. In the United States, between 1.3 and 2 million people experience homelessness at least once a year, while 750,000 are homeless on any given night. One third are families with children, 75 per cent of which are headed by women. In addition, 15 to 25 per cent of the population are "single" women. 6/

7. In the United States also, 3 to 4 million women every year are battered by their husbands or partners. Almost 70 per cent of all violence against women is committed by someone the woman knows. 7/ Women in the United States are more likely to be injured by domestic violence than by automobile accidents, muggings and cancer combined, as battering accounts for one fifth to one third of all emergency room visits. 8/

8. While domestic violence is an endemic problem in the United States, cutting across lines of economic status, domestic violence rates are five times higher among families below the poverty line. In supported or public housing, it is reported that 17 to 70 per cent of all mothers may be victims of abuse. 9/ This puts already poorly housed women at an even greater risk.

9. An average of 50 to 60 per cent of all homeless women report they are homeless because they are fleeing domestic violence. Eighty-one per cent of

all homeless women have at some time in their lives experienced either sexual or physical abuse, and 65 per cent reported physical abuse by a current partner. 10/

10. The United States has three times as many animal shelters as shelters for battered women. 11/ While many women do flee to State-run or community-based shelters, of those, over 30 per cent return to their abusers. Sixty per cent of those who return do so because of a lack of adequate and affordable housing. 12/

11. Shelters often have stay limits or a lack of beds, which results in as many as 59 per cent of women seeking shelter there being turned away. Other shelters only house mothers, sending the children to another facility, separating the battered wife from her children. Still others are not secure, poorly maintained or in dangerous neighbourhoods. These factors often make a woman have to find alternate housing, live on the street or return home to her batterer. 13/

12. Shelters which provide an intricate system of care, with intensive support systems, such as housing assistance, child care, and abuse and legal counselling, offer women the best step towards stability. Aiding women to find adequate long-term housing or, alternatively, allowing longer shelter stays with services is needed, so that victims can recover from abuse and gain independence. 14/

13. The United States experience provides a clear example of the correlation between lack of adequate housing and violence against women, and may provide the world with an indicative guide as to how to deal with this problem. Women, because of their gender, have been accorded a lower status in society; this is manifested in extreme violations of their rights. Throughout the world, women face inadequate housing situations, with lack of property rights or security of tenure, breeding dependence upon often abusive spouses and partners. High domestic violence rates worldwide augment this problem, revealing a reciprocal relationship between housing and violence.

14. The prevalence of domestic violence in the United States reflects a worldwide problem. Examples of some of the worst cases are: 15/

(a) Bangladesh, Brazil, Kenya and Thailand, murders of women committed by current or former partners account for 50 per cent of all female deaths reported;

(b) Spousal abuse is pervasive in such countries as Chile, Ecuador, Sri Lanka and Tanzania, at a rate of 60 per cent;

(c) Severe and systematic violence occurs in at least five of every hundred marriages in Britain. In Ireland, 40 per cent of all non-political deaths reported in 1991-1992 were the result of domestic violence. 16/

15. There is also a shortage of shelters for women who are escaping batterers in countries other than the United States. In the United Kingdom, a shelter in the south-west of England was only able to help one fourth of the women referred to it "in desperate need of help". 17/ In Brazil, where

80 per cent of the 13,000 reported assaults on women are by a domestic partner, there are only six shelters for victims of domestic violence. In Nigeria, there are no reported shelters or services to protect victims of domestic violence. 18/

16. In many countries, women have neither the right to the home in which they were born nor the right to the house in which they live a married life. A woman's access to land and property is dependent upon marriage. Often, a married woman's land rights are limited to "use" rather than ownership. 19/

17. In Rwanda, a woman cannot buy or sell property, enter into contracts, or even open a bank account without the written consent of her husband. These women are completely at the whim of their spouses. 20/

18. In many countries in Africa, a woman is viewed under customary law as a minor and has no right to any property, her husband has total control over it. Even modern civil law restricts the women to land "use" only. This presents extreme hardship for the woman after a divorce, for she is not entitled to anything of value. Additionally, because of the stigma of divorce, she is often left without the support of her family. Frequently, a wife will opt against divorce and remain with her abuser, for otherwise she faces a destitute life, with no other option than prostitution for some security or guaranteed homelessness. 21/

19. In Maharasthtra, a rural area of India, 60 million women are estimated to be displaced from their marital homes by their husband. It is easy for the husband to drive the wife out of the home, as all property is in his name. 22/

20. In countries where women have no rights to any housing or property, they must stay with their abuser or face destitution and homelessness. This violates women's fundamental rights, their right to ownership, their right to security of person and autonomy and their most basic right, to life.

## Recommendations

21. Consistent with the Sub-Commission's recommendation in its resolution 1997/19, HRA urges the Commission to request the Special Rapporteur to include in her next report an in-depth analysis of the relationship between violence against women and violations of the right to adequate housing. If necessary, HRA requests that the Special Rapporteur's mandate be extended to allow her sufficient time to address this complex issue.

22. HRA also specifically recommends the Commission to urge Governments to consider the following:

(a) Short-term proposals:

(i) Provide funding to women's organizations to open innovative shelters and provide ongoing services for abused women;

(ii) Mandate cities to extend their own shelter services to address specifically the needs of abused women;

(iii) Increase awareness among police and other officials that domestic violence is a problem;

(iv) Expedite the processing of abused women's applications for government-assisted housing;

(v) Increase landlord cooperation in renting to women;

(vi) Encourage women to form communal garden plots and farms;

(b) Long-term proposals

(i) Abolish traditional conceptions and practices which promulgate women's subordinate position to and dependence upon men;

(ii) Enact property laws favourable to women owning and securing land and housing;

(iii) Enact credit laws that enable women to secure credit on their own;

(iv) Enact criminal laws which punish the abuser and protect the victim. Laws should facilitate the execution and enforcement of protection orders, requiring the abuser, not the victim, to leave the home. Defences of provocation should not be allowed, and women should be allowed to testify in court against their abuser.

Notes

1/ Sehgal, N., Women, Housing and Human Settlements, Ess Ess Publishing, New Delhi 1995, pp. 9-11.

2/ The right to adequate housing: final report submitted by Mr. Rajindar Sachar, Special Rapporteur (E/CN.4/Sub.2/1995/12), paras. 45-49.

3/ Resolution 1997/19 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Women and the right to adequate housing and to land and property".

4/ Ibid., para. 8, recommending the Special Rapporteur to study the relationship between violence against women and their lack of housing and property rights.

5/ The Violence Against Women Act of 1990: Hearings on S. 2754, Senate Comm. On the Judiciary, Report 101-545, 101st Cong., 2nd Sess. 37 (1990). [Judiciary Hearings, 1990]

6/ "Housing link: unlocking the door III: a call to action by the Women and Housing Task Force: homeless women", McAuley Institute, September 1996.

7/ Bachman Ph.D., United States Department of Justice, Bureau of Justice Statistics, "Violence against women: a national crime victimization survey report", January 1994.

8/ Zorza, Joan, "Women battering: a major cause of homelessness", National Center on Women and Family Law, New York, 1991.

9/ See, for example, Bassuk and Rosenburg, "Why does homelessness occur? A case control study", 78 Am. J. Pub. Health 7, 783 (1988).

10/ Bassuk, Shari S. and Browne, Angela, "Intimate violence in the lives of homeless and poor housed women: prevalence and patterns in an ethnically diverse sample", reprinted with permission from the American Journal of Orthopsychiatry, vol. 67, No. 2, April 1997.

See also, "Measuring the costs of domestic violence against women: research in brief", Institute for Women's Policy Research, Washington D.C., March 1997.

11/ See Judiciary Hearings, 1990.

12/ See, for example, Zorza, Joan, "Women battering: a major cause of homelessness", National Center on Women and Family Law, New York, 1991.

13/ See, for example, "Home sweet home: Meeting the needs of homeless battered women in San Francisco", report of study conducted by Woman Inc.: Women Organized to Make Abuse Non-Existent, May 1991.

14/ "A report on domestic violence shelters in the city and the county of Los Angeles", prepared for the City of Los Angeles Housing Department, by Shelter Partnership, Inc., Los Angeles, January 1997. Those shelters which displayed the listed characteristics seem to have the best response from the women and the best overall success rates.

15/ Neft, Naomi and Levine, Levine, Where Women Stand: an international Report on the Status of Women in 140 Countries, 1997-1998, Random House, New York, 1997. Overall, about three fourths of all countries studied revealed a degree of domestic violence. Rates of domestic violence varied, depending upon the reporting mechanism and the willingness of the country to acknowledge domestic violence as a problem. Certain countries, however, such as the Ivory Coast, Laos, Madagascar, Myanmar, Singapore and Yemen reported very rare instances of domestic violence. Here, wife abuse was not seen as socially acceptable and carried with it severely harsh penalties.

16/ Taylor, Christine, "Northern Ireland, the policing of domestic violence in nationalist communities", 10 Wis. Women's L.J. 307, 1995.

17/ Halos, G., Malos, E., "Domestic violence - action for change", 1993, reprinted in part at http://home.cybergrrl.com/dv/body.html. In a local authority in the United Kingdom with a population of over a million people, there are a mere 19 refuge spaces. However, some countries did report that steps are being taken to combat domestic violence. In Brazil, for example, women-staffed police stations have reduced the incidence of domestic violence and in Zimbabwe, the Mussasa project counsels women about abuse and sensitizes police to their needs. (Facts gained from Development in Practice: Toward Gender Equality, 1995, A World Bank Publication, Washington, D.C.)

18/ See, Neft, Naomi and Levine, Levine, Where Women Stand: An International Report on the Status of Women in 140 Countries, 1997-1998, Random House, New York, 1997.

19/ See, for example, Development in Practice: Toward Gender Equality. A World Bank Publication, World Bank, Washington, D.C., 1995.

20/ Tomasevski, Katarina, Women and Human Rights, Zed Books, London, 1995, pp. 37-39.

21/ Ibid., see also Armstrong, Alice and Mcube, Welshman, eds. Women and Law in Southern Africa, Zimbabwe Publishing House, Harare, 1987.

22/ Lohia, Shaila, "Domestic violence in rural areas", in Kudchedkar, Shirin, Al-Issa, Sabiha, eds., Violence against Women, Women against Violence, Pencraft International, Delhi, 1998.